

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT E. PERDUE,
Plaintiff,

vs

OHIO DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Case No. 1:13-cv-878

Barrett, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff has filed this prisoner civil rights action against defendants Gary C. Mohr, the Ohio Department of Corrections, the Southern Ohio Correctional Facility (SOCF), SOCF Warden Donald Morgan, inmate Yancy, Keith Parker and Sgt. Mike Dillow. (Doc. 9, 10). On January 15, 2014, the undersigned issued a Report and Recommendation, recommending that plaintiff's claims against inmate Yancy, Gary C. Mohr, SOCF, and the Ohio Department of Corrections be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). (Doc. 12). It was also recommended that plaintiff's claims for relief relating to his Rules Infraction Board (RIB) proceedings and the adequacy of the food served at SOCF be dismissed.

Plaintiff has now filed two motions to amend his complaint, wherein plaintiff seeks to add Walter Solomon and D. King as defendants in this action. (Doc. 20, 21). Plaintiff claims that Mr. Solomon is the RIB Chairman at SOCF and seeks to hold him liable for denying plaintiff a fair tribunal process. (Doc. 20). Plaintiff also seeks to hold D. King liable as the food administrator at SOCF. (Doc. 21).

For the reasons stated in the Court's January 15, 2014 Report and Recommendation, plaintiff's allegations against Mr. Solomon and D. King fail to state a claim upon which relief may

be granted. Because plaintiff's amended complaint does not cure the deficiencies identified in recommending the dismissal of plaintiff's claims pertaining to his RIB proceedings or the adequacy of the SOCF food, plaintiff's motions to amend his complaint should be denied.

IT IS THEREFORE RECOMMENDED THAT plaintiff's motions to amend his complaint (Doc. 20, 21) be **DENIED**.

Date: 1/29/14


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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